

Data Collected by the Oregon Department of Forestry for Forest Pesticide Applications

Oregon Department of Forestry

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Introduction

The Oregon Department of Forestry (ODF) collects two sets of data related to forest pesticide applications. The first set is collected through notification forms that operators must complete and provide to ODF before starting most forestry related activities (called "operations"), including pesticide applications. The second data set is contained in the application records forest pesticide applicators must collect and then make available to ODF upon request. More detail on these two data collection pathways and the data that is collected is provided in the following sections of this document.

I. Notification Data for Forest Pesticide Applications¹

Before starting pesticide applications for forest management purposes on forestlands, an applicator, landowner, or representative must file a notification of operations with ODF. The agency enters the data in a database/data management system called FACTS (Forest Activity Computerized Tracking System). The system assigns each notification of operations a unique identifying number. A single notification may cover a number of operational areas (called "units") in a project; each unit would also have a unique identifying number.

FACTS is a tabular database. It can be roughly linked to a GIS, but is not itself a GIS. The location data in the system is recorded only in tabular form. There is currently no mechanism to enter digitized polygons of operation areas into the system.

For the most part, the notification data represents only what applicants enter on the notification form as planned activities. ODF uses the data to work with operators and landowners to help them comply with forest practice regulations, and to check on their work to evaluate compliance. In some instances, ODF verifies that the notification data represents what actually was done on the ground, but this is usually only when ODF needs to do that to verify compliance. ODF does not routinely verify notification data.

ODF shifted from an older notification system to a more modern system starting in 2010. Data entered after 2009 is easily accessible via database queries. Because the older system is on an obsolete platform that is no longer supported, gathering data entered prior to 2010 would require time-consuming manual data manipulation.

Public Records

All notification data is public record, except that social security number information collected for the Oregon Department of Revenue for timber tax purposes is exempt from public disclosure. For an annual fee, interested parties may subscribe to an ODF service to receive copies of notifications in designated geographic areas.

¹ The list here includes data related to pesticide application operations. ODF collects additional data for other types of operations.

Notification Data Collected

1. Operator name and contact information
2. Landowner name and contact information
3. Activity: Application of herbicide or other pesticides
4. Method
 - a. Aerial
 - b. Ground
 - i. Pressurized and broadcast
 - ii. Other
5. Pesticides to be applied²
 - a. Common name (active ingredient)
 - b. Brand name (if known at time of notification submission)
 - c. Carrier
 - d. Additives
 - e. For 2,4-D and triclopyr, specify amine or ester
6. Estimated starting and ending date
 - a. There is a 15-day waiting period before the operation may begin. ODF may waive the waiting period except for operations involving aerial pesticide applications or written plans (see item b below).
 - b. Written plans (in addition to notifications) with waiting periods are required if operations will be near protected resources, e.g., within 100 feet of fish-use streams.
 - c. Operations may be limited to specific time periods to ensure protection of waters or wildlife sites.
 - d. Otherwise, operators are not constrained as to when they conduct the operation in the year the notification was filed. ODF usually verifies the timing of operations only when needed to evaluate compliance with resource protection requirements.
7. Proximity of operation to waters of the state
8. Protected resources in or near the operation, including streams, wetlands, lakes, and wildlife sites.
9. Public Land Survey System legal description, i.e., Township, Range, Section, down to the 1/16th section (40 acres)
10. Map showing the location of the operation (the map is not entered into FACTS; ODF holds the map in paper form).

II. Daily Application Records

ODF also has access to daily application records. Applicators are required to collect these records and to provide them to ODF upon request at any time within the three year time period following the application. Operators must provide the records to ODF within two weeks of an

² Applicants may list any pesticide products they think they might use. Often, industrial forest landowners list many more pesticides than are actually applied on any given unit, so the notification data is not a good source for what actually was applied.

ODF request. The applicable rule allows ODF to request the records for any purpose. However, ODF has viewed the intention of the rule to be that the records would be requested only on an ad hoc basis as needed for specific ODF and/or multi-agency investigations.

The daily application records differ from the notification data in that the former describe what actually was done, while the latter merely describe what the applicant states is planned. One key piece of data in the daily application records is a list of the specific pesticides that were actually applied.

Oregon Department of Agriculture (ODA) regulations require commercial and public applicators to collect certain data for daily application records and to make the records available to the agency upon request. Attachment 1 to this document is a form applicators may use to collect application records required by ODF and ODA. The form can be used to compare the requirements of the two agencies, as there is some overlap. The form also shows the U.S. Department of Agriculture data collection requirements for private applicators using restricted use products.

Public Records

Based on an informal consultation with the Oregon Department of Justice, ODF uses the following guidance relating to public disclosure of daily application records.

- ODF has discretion over whether to request daily application records from applicators. Typically, ODF requests the records only when the records are needed for an investigation into whether the applicator has complied with regulations administered by ODF, or by ODA or other PARC member agencies.
- ODF is not obligated to request the records to fulfill a public information request. The mere fact that an applicator holds the records does not make the records subject to public disclosure.
- If ODF has requested the daily application records and actually has them in hand, the records are subject public disclosure, based on standard public records policies.
- Agencies should not divulge records that are part of client-attorney communications.
- Agencies may delay divulging records that are part of an ongoing enforcement investigation.
- If an agency is party to a lawsuit, or if the agency is subpoenaed to testify, all communications must be strictly attorney to attorney.

ODF Daily Application Record Data

1. Legal description of application area
2. Name of applicator, applicator contractor
3. Pesticide product applied
 - a. Brand name
 - b. U.S. EPA registration number
4. Number of acres treated
5. Application rate (per acre)

6. Carrier used, including rate per acre
7. Date of application, including beginning and ending time
8. Weather data: air temperature, relative humidity, wind speed and direction
 - a. Aerial applications: collect weather data hourly
 - b. Ground based application using pressurized, broadcast method (e.g., truck-mounted or backpack broadcast): collect weather data at beginning and ending of each day of work.
 - c. Other ground-based applications (e.g., hack and squirt, stump treatment): weather data not required

Attachment 1: Daily Application Record Form



Daily Chemical Application Record Form

ODF	ODA	USDA	<p>This form outlines daily pesticide application information an applicator must record to meet requirements of the Oregon Departments of Forestry (ODF)³ and Agriculture (ODA),⁴ and the U.S. Department of Agriculture (USDA)⁵. An applicator may use a different form if the required information is included. <i>The applicator must retain the ODA and ODF-required records for 3 years, and the USDA-required records for 2 years.</i></p>									
			Landowner and Location									
			Name, address, and telephone of person or business who owns or controls the property:									
			Legal Description of Application Area:									
			Applicator									
			Applicator (Name of Person Applying Chemical):									
			Applicator Certification Number:									
			Applicator Contractor:									
			Application Information									
			Supplier of Chemical Product:									
			EPA Registration Number and Product Brand Name:									
			Number of Acres Treated:									
			Per Acre Application Rate:									
			Total Amount of Pesticide Product Applied:									
			Carrier Used, including Rate/Acre:									
			Application Equipment Used (Aerial, Backpack, Etc.):									
			If Aerial F.A.A. Aircraft Number:									
			Crop (enter "forest" for forestry applications):									
			Date of Application:									
			Beginning Time:					Ending Time:				
ODF Only: Weather Information (For Aerial Applications Measure and Record Information Hourly; For Ground-Based Pressurized Broadcast Application Measure and Record Information at the Beginning and End of Each Day's Application):												
Time:												
Air Temperature												
Relative Humidity												
Wind Speed												
Direction wind coming from (e.g., N or NNW)												
Applicator Signature:												

³ Oregon Department of Forestry requirements for all pesticide applicators

⁴ Oregon Department of Agriculture requirements for commercial and public applicators. Applicators must also report to the Pesticide Use Reporting System at http://oregon.gov/ODA/PEST/purs_index.shtml.

⁵ U.S. Department of Agriculture requirements for private pesticide applicators using restricted use products.